

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

REGENCY APARTMENTS VANCOUVER  
LLC,

Plaintiff,

v.

THE SHERWIN-WILLIAMS COMPANY,

Defendant.

CASE NO. C20-5026-JCC

ORDER

This matter comes before the Court on Defendant The Sherwin-Williams Company and Third-Party Defendant Columbia Construction Service, Inc.'s motion to continue trial (Dkt. No. 40). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS in part and DENIES in part the motion for the reasons explained herein.

Plaintiff filed the complaint in this matter on January 13, 2020. (Dkt. No. 1.) On April 27, 2020, Judge Leighton issued a scheduling order, which set trial for June 1, 2021, the dispositive motions deadline for March 3, 2021, and the discovery deadline for February 1, 2021. (Dkt. No. 14.) On May 5, 2020, Defendant The Sherwin-Williams Company filed a third-party complaint against third-party defendant Columbia Construction Service, Inc. (Dkt. No. 17.)

Six months later, the parties filed a stipulated motion requesting that the Court extend the

1 expert disclosure deadlines and the discovery deadline by two months. (*See* Dkt. No. 34 at 1.)  
2 The Court granted the parties’ stipulated motion but observed that the parties had not requested  
3 to extend the dispositive motions deadline, which would be before the parties’ new discovery  
4 deadline. (*See* Dkt. No. 35.) Consistent with the Court’s Chambers Procedures, the Court warned  
5 the parties that the Court would be inclined to move the trial date if the parties intended to move  
6 to extend the dispositive motions deadline. (*See id.*); *see also* Chambers Procedures,  
7 <https://www.wawd.uscourts.gov/judges/coughenour-procedures> (“Judge Coughenour will not  
8 decrease the amount of time between the dispositive motion cutoff date and the trial date [below  
9 90 days] unless the parties set forth an extraordinary basis for doing so.”). Accordingly, the  
10 Court directed the parties to file a joint status report setting forth the parties’ positions on  
11 whether the Court should extend the dispositive motions deadline and, if so, what trial date  
12 would be appropriate. (*See* Dkt. No. 35 at 2.)

13 The parties agree that the Court should extend the dispositive motions deadline but  
14 disagree on when it should be and whether the Court should continue the trial. Plaintiff proposes  
15 that the Court ignore its 90-day practice, extend the dispositive motions deadline to April 16,  
16 2021, and hold the trial as scheduled on June 1, 2021. (*See* Dkt. No. 40 at 3–4.) Defendants  
17 request that the Court continue the trial until November 15, 2021 because Columbia Roofing was  
18 not added as a third-party defendant until May 2020, the parties need additional time to complete  
19 discovery in light of the impact of the COVID-19 pandemic, and most roofing occurs between  
20 April and October so holding the trial over the summer would “interfere with Columbia  
21 Roofing’s business.” (Dkt. No. 40 at 2.)

22 Having reviewed the parties’ briefing and the relevant record and finding good cause  
23 based on the parties’ need to conduct additional discovery and the impact of the COVID-19  
24 pandemic,<sup>1</sup> the Court ORDERS as follows:

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25  
26 <sup>1</sup> The Court does not find good cause based on Columbia Roofing’s business interests.

1. The June 1, 2021 bench trial is CONTINUED until September 6, 2021 at 9:30 a.m.
2. Trial briefs are due by September 2, 2021.
3. The proposed pretrial order is due by August 27, 2021.
4. The dispositive motions deadline is CONTINUED until June 8, 2021.
5. Mediation pursuant to Local Civil Rule 39.1 must be completed by May 23, 2021.
6. The discovery deadline is CONTINUED until May 7, 2021.
  - a. Plaintiff's expert disclosure deadline is CONTINUED until February 12, 2021.
  - b. Defendants' expert disclosure deadline is CONTINUED until March 12, 2021.
  - c. The rebuttal expert disclosure deadline is CONTINUED until April 9, 2021.
  - d. Discovery motions must be filed in accordance with Local Civil Rule 16(b)(3).

DATED this 14th day of January 2021.

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE